

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KELVIN LANEIL JAMES,

Plaintiff,

v.

THE STATE OF NEVADA, et al.,

Defendants.

Case No.: 2:24-cv-02200-GMN-DJA

**ORDER**

On December 10, 2024, the Court gave Plaintiff until February 4, 2025, to file a fully complete application to proceed *in forma pauperis* or pay the \$405 filing fee. (ECF No. 3). In response, Plaintiff filed two incomplete applications to proceed *in forma pauperis*. (ECF Nos. 7, 8). He did not file a copy of his prison trust fund account statement for the previous six-month period with either application. (*Id.*). The Court denied Plaintiff's incomplete applications to proceed *in forma pauperis*, and granted him an extension until March 12, 2025, to file a complete application. (ECF No. 11.) In response, Plaintiff has filed another incomplete application to proceed *in forma pauperis*. (ECF No. 12). Plaintiff has used the wrong form, and he has again failed to include a copy of his prison trust fund account statement for the previous six-month period.

In light of Plaintiff's *pro se* status, the Court will grant him one final opportunity to file a complete application to proceed *in forma pauperis*. Plaintiff must file a complete application to proceed *in forma pauperis*, or pay the \$405 filing in full, on or before **April 21, 2025**. As discussed in greater detail below, if Plaintiff cannot obtain all the necessary financial documents, he may instead file his application to proceed *in forma pauperis* together with a declaration detailing his efforts to obtain these documents.

**I. DISCUSSION**

Under 28 U.S.C. § 1915(a)(2) and Nevada Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the

1 inmate to file the action without prepaying the full \$405 filing fee. To apply for *in forma*  
 2 *pauperis* status, the inmate must submit all three of the following documents to the Court:  
 3 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's  
 4 approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3), (2) a  
 5 **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e.  
 6 page 4 of this Court's approved form), and (3) a copy of the **inmate's prison or jail trust**  
 7 **fund account statement for the previous six-month period.**

8 If Plaintiff is having difficulty obtaining the required financial certificate and inmate  
 9 account statement for the previous six-month period from prison or jail officials, then  
 10 Plaintiff must file the first three pages of the application to proceed *in forma pauperis* on  
 11 this Court's approved form together with a declaration detailing when he requested the  
 12 financial documents, who he spoke to about the status of the documents, who he followed  
 13 up with after he did not receive the documents, and their responses. Plaintiff's declaration  
 14 will include dates of his requests, dates of his follow-up requests, names of the officials  
 15 that he spoke to about the matter, and their responses. If Plaintiff's declaration  
 16 demonstrates that he has done all that was possible to acquire the documents from prison  
 17 or jail officials, the Court will consider his application to proceed *in forma pauperis* to be  
 18 complete.<sup>1</sup>

## 19 II. CONCLUSION

20 It is therefore ordered that Plaintiff's incomplete application to proceed *in forma*  
 21 *pauperis* (ECF No. 12) is DENIED.

22 It is further ordered that that Plaintiff has **until April 21, 2025**, to either pay the full  
 23 \$405 filing fee for a civil action or file a new fully complete application to proceed *in forma*  
 24 *pauperis* with all three required documents: (1) a completed application to proceed *in*  
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26 <sup>1</sup> Plaintiff must still submit the first three pages of the application to proceed *in*  
 27 *forma pauperis* on this Court's approved form with his declaration. If Plaintiff does not  
 submit the first three pages of the application to proceed *in forma pauperis* with the  
 declaration, the Court will recommend dismissal of this case without prejudice.

1 *forma pauperis* with the inmates two signatures on page 3, (2) a financial certificate that  
2 is properly signed both by the inmate and a prison or jail official, and (3) a copy of the  
3 inmate's prison or jail trust fund account statement for the previous six month period.

4 It is further ordered that if Plaintiff is not able to obtain his financial certificate and  
5 inmate trust fund account statement from prison or jail officials, Plaintiff has **until April**  
6 **21, 2025**, to file the first three pages of the application to proceed *in forma pauperis* on  
7 the Court's approved form together with a declaration detailing the efforts that he took to  
8 acquire the financial documents from prison or jail officials.

9 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
10 he fails to timely comply with this order. Dismissal without prejudice allows Plaintiff to  
11 refile the case with the Court, under a new case number, when Plaintiff can either pay the  
12 filing fee or properly apply for *in forma pauperis* status.

13 The Clerk of the Court is directed to resend Plaintiff the approved form application  
14 to proceed *in forma pauperis* for an inmate and instructions for the same.

15 DATED THIS 21<sup>st</sup> day of March 2025.

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19 UNITED STATES MAGISTRATE JUDGE  
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